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EXAMINER

MISLEH, JUSTIN P

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Art Unit: 2622

***Response to Arguments***

1. Applicant's arguments filed March 23, 2009 have been fully considered but they are not persuasive.
2. Applicant argues, "Sun's classification does not require distinguishing between files that are created by a device and files that are obtained from a source external to the device."
3. The Examiner respectfully disagrees with Applicant's position. As stated in Final Rejection, mailed January 2, 2009, "the Examiner regards Sun's digital camera 112 when tethered to PC 118 as the claimed information processing device and the claimed image pickup device, respectively." See Rejection @ page 2. As acknowledged by Applicant, "Sun first determines whether or not an input photo contains digital time information." See Remarks @ page 9. Sun shows in figure 1, where the digital camera (112) outputs digital images (116) with time and date information (114). Therefore, Sun's classification distinguishes between files that are created by a device (camera 112 and computer 118) and files that are obtained from a source external to the device (102 and 106). For this reason, the rejection will be maintained.

**/Justin P Misleh/  
Primary Examiner, Art Unit 2622**